

**WILLIAMSBURG  
BOARD OF ZONING APPEALS  
MINUTES**

**August 1, 2006**

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, August 1, 2006 at 4:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

**CALL TO ORDER and ATTENDANCE**

Chairman White called the meeting to order. Present in addition to Mrs. White were Board members Carr, Goddin, Lamson and Knudson. Staff members present were Deputy Planning Director Murphy, Zoning Administrator Rhodes and Secretary Scott.

**OPEN FORUM**

No one spoke at the open forum.

**PUBLIC HEARINGS**

**BZA #06-007: Request of Mildred D. Stone for a variance from Sec. 21-167 of the Zoning Ordinance to construct an addition eight feet from the side property line instead of 10 feet. The property is located at 534 Burbank Street, Williamsburg Tax Map Number 435-07-00-046 and is zoned Single-Family Dwelling District RS-2. Approved.**

Chairman White introduced the request for a variance and noted that all members of the Board have viewed the two properties on the agenda, either today or at another recent time. She explained that one of the requirements for a variance is that the applicant must demonstrate a hardship, and invited the applicant to comment on the case.

Mildred Stone, owner; her contractor; and her sister-in-law, Gladys Stone, 533 Burbank, were present at the meeting. Mrs. Stone said she really has no other area on the property to build the addition which she has always wanted. The house was built about 40 or 50 years ago and was cut in half and moved to its present location. She said she doesn't know what happened during the move but the house sits skewed on the lot, there being more than a 10' setback on one side.

Board comments included:

- The only change in the 40-50 years life of the house is the relocation.
- Can Mrs. Stone add to the back of the house rather than the front? (Mr. Goddin) Mrs. Stone responded that would be very difficult to do since the ground is higher in the back, and in addition, she wants her bedroom to be on the front of the house as proposed.
- Could the addition be 10 x 10 rather than 12 x 12? (Mr. Goddin) Mrs. Stone said she plans to add a bathroom as part of the 12 x 12 addition.

Gladys Stone stated that she supports the proposed addition.

Chairman White opened the public hearing.

There being no comment the public hearing was closed.

Mrs. Knudson said the applicant has lived in this house for a long time, the request does not violate the setback any more than a number of requests previously approved by the Board, and the small size of the house is a hardship due to the owner's needs. She moved that the variance request to construct a 12' x 12' addition eight feet from the side property line be approved.

Mr. Lamson seconded the motion which carried by roll call vote of 5-0.

Recorded vote:

Aye:	White, Lamson, Carr, Knudson, Goddin
No:	None
Absent:	None

Resolution of the approval is attached to these minutes.

**BZA #06-008: Request of Phillip R. and Margaret M. Mayhew for a variance from Section 21-481 of the Zoning Ordinance to construct a sunroom over the existing deck. A 25 foot rear yard setback is required for the sunroom and the existing deck is located 18 feet from the rear setback requiring a variance of seven feet. The property is located at 14 Frenchmen's Key, Williamsburg Tax Map Number 555-(04)-00-093 and is zoned Planned Unit Development (PUD). Approved with Conditions.**

Chairman White stated that she will abstain from discussion and voting in the above-noted case and turned the gavel over to Vice-Chairman Lamson.

Vice-Chairman Lamson introduced the request for a variance and invited the applicant to comment on the case.

Owners, Mr. and Mrs. Mayhew, presented their case. Henry Schwartz, who lives across the street from the Mayhews, was also present in support of the request for a variance. Mrs. Mayhew said they would like to make their existing deck into a sunroom because she suffers with chronic sinusitis and allergies. Due to pollen and other allergens she is able to enjoy the deck only about half the year, but she would be able to enjoy the beauty of the outdoors if the deck were enclosed. She noted that their closest neighbor, on lot 92, supports their request and no one lives behind them.

Board members' comments included:

- Concerns about the roof runoff into the creek. Going from pervious to impervious surface. (Knudson, Goddin)
- A screened porch or unheated enclosed deck is very different than a Florida room that includes heating and/or air conditioning. A request for such a Florida

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room is no different than a request for an addition to a house and, as such, should be subject to setback rules. (Goddin)

- Allergies, alone, do not generally constitute a sufficient hardship to justify a zoning exception to enclose a deck with a heated and/or air conditioned room. Decks and screened porches are not generally used twelve months of the year. (Goddin)
- The deck could be screened-in by right.

Vice-Chairman Lamson opened the public hearing.

**Henry Schwartz**, 15 Frenchmens Key, spoke in favor of the variance noting that enclosing the deck to make a Florida room would impact no one.

There being no additional comment the public hearing was closed.

Board members continued discussion regarding the Chesapeake Bay Act and the need to mitigate runoff into College Creek. Mrs. Murphy offered a few mitigation options used by neighbors in the Port Anne community to include dry wells, underground systems or berms which allow the water to soak in. Mr. Lamson noted that the Chesapeake Bay Act was not in effect at the time Port Anne was developed and the hardship is that we're attempting to hold them to a regulation that was not in effect when development took place.

Mr. Goddin felt the runoff issue was not the main issue. He did not feel that a hardship was demonstrated in this case as required to grant a variance. Mr. Goddin noted that the applicant, when asked, did not substantiate or elaborate upon her hardship. Thus, he did not believe a variance from the 25' rear setback requirement, which was in effect when the applicant purchased this lot, was warranted.

Mr. Carr moved that the Board approve the variance request to construct a sunroom over the existing deck which encroaches six feet into the rear yard setback with the condition that measures to mitigate the additional stormwater runoff from the roof of the sunroom be installed and the plan is approved by the City Engineer.

Mrs. Knudson seconded the motion which carried by roll call vote of 3-1-1.

Recorded vote:

Aye:	Lamson, Carr, Knudson
No:	Goddin
Abstain:	White
Absent:	None

Resolution of the approval is attached to these minutes.

Vice-Chairman Lamson returned the gavel to Chairman White.

**OLD BUSINESS** -- None

**NEW BUSINESS** -- None

**OTHER**

Zoning Administrator Welcomed

Chairman White welcomed new Zoning Administrator, Rodney Rhodes, adding that she looks forward to working with him. Mr. Rhodes thanked the members of the Board and noted that he worked for eleven years as staff support for the BZA in his previous position.

Richmond Road Signage

Mr. Carr commented on signage/streetscape of Richmond Road to include the number, quality and condition of the commercial signs. He wanted to make sure business owners are installing the preferred monument type of signs and the locations are not installing more signs than permitted by code. In response to Mr. Carr's comment, Mrs. Murphy said Mr. Rhodes will be looking at them as part of his responsibilities.

BZA Work Session

Board members scheduled September 5 for a work session to discuss alternative approaches to variance requests and several procedures following up on the discussion at the last work session. The work session will begin after the regular BZA meeting is concluded. Mrs. White added that she will prepare the agenda for the work session.

Minutes from June 6, 2006 meeting

Mrs. Knudson moved that the minutes of the June 6, 2006 meeting be approved as submitted.

Mr. Carr seconded the motion which carried by roll call vote of 4-0-1.

Recorded vote:

Aye:	Lamson, Carr, Knudson, Goddin
No:	None
Abstain:	White (due to her absence from the June 6, 2006 meeting)
Absent:	None

There being no further business the meeting adjourned at 5:00 p.m.

Respectfully submitted,

Elizabeth White, Chairman  
Board of Zoning Appeals